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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/613,067	07/10/2000	Mitsuru Nagasaka	450100-02611	9087

20999 7590 04/14/2008  
FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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04/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/613,067	<b>Applicant(s)</b> NAGASAKA ET AL.	
	<b>Examiner</b> Hoang-Vu A. Nguyen-Ba	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 1-13 remain pending. Claims 1, 6, 11, 12 and 13 are independent claims.

### ***Response to Amendments***

2. Per Applicants' request, Claims 1, 6, 11, 12 and 13 have been amended.

### ***Response to Arguments***

3. Applicants' arguments in the Remarks section (pp. 13-14) of the Amendment After Non-Final Rejection filed January 10, 2008 have been fully considered but are moot in view of the new ground(s) of rejection necessitated by Applicant's amendments to the claims.

### ***Specification***

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which Applicant may become aware in the specification.
5. The specification is objected to because of the following minor informalities:  
The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### ***Claim Rejections – 35 USC §112***

6. The following is a quotation of the second paragraph of the 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 13 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 13 recites the clause “adapted to.” This clause renders the claims vague and indefinite. See the following excerpt from MPEP 2106(II)(C):

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use;
- (B) “adapted to” or “adapted for” clauses;
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.  
Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,977,964 to Williams et al. (“Williams”) in view of U.S. Patent Application Publication No. 2003/0005445 by Schein et al. (“Schein”) and further in view of U.S. Patent No. 6,005,631 to Anderson et al. (“Anderson”).

**Claim 1 (Currently amended)**

*An information receiving apparatus for receiving headline information related to information, comprising:*

*memory means for storing user preference information (see Office action mailed September 22, 2006);*

*means for detecting reception of a plurality of headline information related to the information (see Office action mailed September 22, 2006);*

*means for searching, based on said user preference information stored in said memory means, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detecting means (see Office action mailed September 22, 2006);*

Although Williams does disclose prompting a user with a selection of programming options which correspond to user profile as described in step 402 in FIG. 4, Williams does not specifically disclose:

*means for generating a first image corresponding to the user preference information,*  
*means for generating a search condition setting image corresponding to a user set search condition.* However, in an analogous art, Schein discloses at [0109-0110] a user

interface through which a user can customize specific preferences, select programs, titles or services of interest by answering preference or choice questions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add this user interface taught by Schein to Williams because this interface would be a first and a search condition setting image that corresponds to the user preference information, thereby facilitating the setting of favorite programs for the user.

Williams further discloses:

*means for generating a second image corresponding to a search result* (see at least 11:49-52 and the comments in the Office action September 22, 2006).

The combination Williams-Schein does not specifically disclose *means for superimposing the first image, the search condition setting image, and the second image or the first image or the search condition setting image and the second image over a current video signal*.

However, in an analogous art, Anderson teaches the above feature in at least FIG. 7B, wherein the user preference and search condition setting with the results of the search requiring at least the set criteria.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Anderson with Williams-Schein because this would combine user preference, search condition setting and search results in one screen, thereby facilitating and improving user's interactivity with the program.

Williams further discloses:

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above), and*

*wherein results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search\_criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above).*

**Claim 6 (Currently Amended)**

*A method for receiving headline information related to an information, the method comprising the steps of:*

*storing user preference information; detecting reception of a plurality of headline information related to an information (see Office action mailed September 22, 2006);*

*searching, based on said user preference information stored at said storing step, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected at said detecting step (see Office action mailed September 22, 2006).*

Although Williams does disclose prompting a user with a selection of programming options which correspond to user profile as described in step 402 in FIG. 4, Williams does not specifically disclose:

*generating a first image corresponding to the user preference information,*

*generating a search condition setting image corresponding to a user set search condition.*

However, in an analogous art, Schein discloses at [0109-0110] a user interface through which a user can customize specific preferences, select programs, titles or services of interest by answering preference or choice questions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add this user interface taught by Schein to Williams because this interface would be a first and a search condition setting image that corresponds to the user preference information, thereby facilitating the setting of favorite program for the user.

*generating a second image corresponding to a search result* (see at least 11:49-52 and the comments in the Office action September 22, 2006).

The combination Williams-Schein does not specifically disclose *superimposing the first image, the search condition setting image, and the second image or the first image or the search condition setting image and the second image over a current video signal*.

However, in an analogous art, Anderson teaches the above feature in at least FIG. 7B, wherein the user preference and search condition setting with the results of the search requiring at least the set criteria.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Anderson with Williams-Schein because this would display user preference, search condition setting and search results in one screen, thereby facilitating and improving user's interactivity with the program.

Williams further discloses:

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein each registration pattern is pre-selected information corresponding to an event and a timing of the event and, limiting the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above), *and*



*wherein results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above).

**Claim 11 (Currently Amended)**

A program information receiving apparatus for receiving an Electronic Program Guide (EPG) information, comprising:

*remote commander means* (see Office action mailed September 22, 2006);  
*memory means for storing user preference information entered from said remote commander means* (see Office action mailed September 22, 2006);  
*means for detecting reception of a plurality of headline information related to an information* (see Office action mailed September 22, 2006); *and*  
*means for searching, based on said user preference information stored in said memory means, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detecting means* (see Office action mailed September 22, 2006).

Although Williams does disclose prompting a user with a selection of programming options which correspond to user profile as described in step 402 in FIG. 4, Williams does not specifically disclose:

*means for generating a first image corresponding to the user preference information,*  
*means for generating a search condition setting image corresponding to a user set search condition.* However, in an analogous art, Schein discloses at [0109-0110] a user interface through which a user can customize specific preferences, select programs, titles or services of interest by answering preference or choice questions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add this user interface taught by Schein to Williams because this interface would be a first and a search condition setting image that corresponds to the user preference information, thereby facilitating the setting of favorite program for the user.

Williams further discloses *means for generating a second image corresponding to a search result* (see Office action mailed September 22, 2006).

The combination Williams-Schein does not specifically disclose *means for superimposing the first image, the search condition setting image, and the second image or the first image or the search condition setting image and the second image over a current video signal*.

However, in an analogous art, Anderson teaches the above feature in at least FIG. 7B, wherein the user preference and search condition setting with the results of the search requiring at least the set criteria.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Anderson with Williams-Schein because this would combine user preference, search condition setting and search results in one screen, thereby facilitating and improving user's interactivity with the program.

Williams further discloses:

*means for superimposing the first image and the second image over a current video signal* (see Office action mailed September 22, 2006);

*wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above), and*

*wherein the results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search\_criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above).*

**Claim 12 (Currently Amended)**

An information receiving apparatus for receiving headline information related to information, comprising:

*a memory unit adapted to store user preference information (see Office action mailed September 22, 2006);*

*a detection unit adapted to detect reception of a plurality of headline information related to the information (see Office action mailed September 22, 2006);*

*a searching unit adapted to search, based on said user preference information stored in said memory unit, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detection unit (see Office action mailed September 22, 2006).*

Although Williams does disclose prompting a user with a selection of programming options which correspond to user profile as described in step 402 in FIG. 4, Williams does not specifically disclose:

*a first image corresponding to the user preference information,*

*a search condition setting image corresponding to a user set search condition.* However, in an analogous art, Schein discloses at [0109-0110] a user interface through which a user

can customize specific preferences, select programs, titles or services of interest by answering preference or choice questions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add this user interface taught by Schein to Williams because this interface would be a first and a search condition setting image that corresponds to the user preference information, thereby facilitating the setting of favorite program for the user.

Williams further discloses *a second image generating unit adapted to generate a second image corresponding to a search result* (see Office action mailed September 22, 2006).

The combination Williams-Schein does not specifically disclose *means for superimposing the first image, the search condition setting image, and the second image or the first image or the search condition setting image and the second image over a current video signal*.

However, in an analogous art, Anderson teaches the above feature in at least FIG. 7B, wherein the user preference and search condition setting with the results of the search requiring at least the set criteria.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Anderson with Williams-Schein because this would combine user preference, search condition setting and search results in one screen, thereby facilitating and improving user's interactivity with the program.

Williams further discloses *wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above), and*  
*wherein results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search criteria (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above).*

**Claim 13 (Currently Amended)**

A program information receiving apparatus for receiving Electronic Program Guide (EPG) information, comprising:

*a remote commander unit (see Office action mailed September 22, 2006);*  
*a memory unit adapted to store user preference information entered from said remote commander unit (see Office action mailed September 22, 2006);*  
*a detection unit adapted to detect reception of a plurality of headline information related to an information (see Office action mailed September 22, 2006); and*  
*a searching unit adapted to search, based on said user preference information stored in said memory unit, headline information coincided with said user preference information among received headline information at the time when the reception of said plurality of headline information is detected by said detection unit (see Office action mailed September 22, 2006).*

Although Williams does disclose prompting a user with a selection of programming options which correspond to user profile as described in step 402 in FIG. 4, Williams does not specifically disclose:

*a first image corresponding to the user preference information,*  
*a search condition setting image corresponding to a user set search condition.* However, in an analogous art, Schein discloses at [0109-0110] a user interface through which a user

can customize specific preferences, select programs, titles or services of interest by answering preference or choice questions.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add this user interface taught by Schein to Williams because this interface would be a first and a search condition setting image that corresponds to the user preference information, thereby facilitating the setting of favorite program for the user.

Williams further discloses *a second image generating unit adapted to generate a second image corresponding to a search result* (see Office action mailed September 22, 2006).

The combination Williams-Schein does not specifically disclose *means for superimposing the first image, the search condition setting image, and the second image or the first image or the search condition setting image and the second image over a current video signal*.

However, in an analogous art, Anderson teaches the above feature in at least FIG. 7B, wherein the user preference and search condition setting with the results of the search requiring at least the set criteria.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine Anderson with Williams-Schein because this would combine user preference, search condition setting and search results in one screen, thereby facilitating and improving user's interactivity with the program.

Williams further discloses *wherein said user preference information includes a plurality of registration patterns* (see at least Williams 11:22 – 12:7),

*wherein the registration pattern is pre-selected information corresponding to an event and a timing of the event and limits the headline information that is to be searched* (see at least Williams 11:61-67),

*wherein one of the plurality of registration patterns is selected first by a user, preceding a selection of corresponding search criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above), *and*

*wherein the results of searching based on said user preference information are a function of the selected registration pattern combined with the selection of corresponding search\_criteria* (see at least Williams 11:61 – 12:7 and 17:17-22 and discussion in the examiner's response to Applicants' arguments above).

**Claims 2-5 and 7-10 (Original)**

See Office action mailed September 22, 2006.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory

period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday - Friday from 7:00 – 17:30.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist: 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/  
Primary Examiner, Art Unit 2623

April 9, 2008



